

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**JIMMY T. BROWN**

**PETITIONER**

v.

**No. 3:18CV174-NBB-DAS**

**WARDEN JOSH DAVIS**

**RESPONDENT**

**Consolidated With**

**JIMMY T. BROWN**

**PETITIONER**

v.

**No. 3:20CV75-DMB-RP**

**WARDEN JOSH DAVIS**

**RESPONDENT**

**ORDER DISMISSING PETITION WITHOUT PREJUDICE  
FOR FAILURE TO EXHAUST STATE REMEDIES**

The court issued an order [17] holding the instant case in abeyance to give the petitioner a chance to exhaust his state remedies so that he may proceed in federal court with the instant petition for a writ of *habeas corpus*. The order set a deadline of 60 days from its date for the petitioner to file a notice to inform the court whether he intends to properly exhaust his claims in state court. That deadline expired on September 7, 2021, and the petitioner has not filed such a notice with the court. As such, in accordance with the court's previous order [17], the **STAY** of this case is **LIFTED**, and the instant petition for a writ of *habeas corpus* is **DISMISSED** without prejudice for failure to exhaust state remedies.

**SO ORDERED**, this, the 14th day of September, 2021.

/s/ Neal Biggers

NEAL B. BIGGERS

SENIOR U. S. DISTRICT JUDGE